

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM EDWARD DENNIS,

Petitioner,

v.

CASE NO. 18-CV-12197
HONORABLE SEAN F. COX

SHERRY L. BURT,

Respondent.

**ORDER DENYING PETITIONER'S APPLICATIONS TO HOLD HIS
PETITION IN ABEYANCE [Dkt. #7 and #9] AND HIS MOST RECENT
APPLICATIONS TO PROCEED WITHOUT PREPAYMENT OF FEES
AND COSTS [Dkt. #8 and #10]**

Petitioner William Edward Dennis, a state prisoner at the Muskegon Correctional Facility in Muskegon, Michigan, filed a *pro se* petition for the writ of habeas corpus. The pleading challenges Petitioner's Wayne County, Michigan convictions for two counts of first-degree criminal sexual conduct and one count of third-degree criminal sexual conduct. Petitioner alleges that he was sentenced on March 20, 2014, to concurrent terms of seventeen and a half to thirty years for the first-degree convictions and seven to fifteen years for the third-degree conviction. The Michigan Court of Appeals affirmed Petitioner's convictions in an unpublished, *per curiam* opinion, *see People v. Dennis*, No. 321191 (Mich. Ct. App. Aug. 20, 2015), and on March 8, 2016, the Michigan Supreme Court denied leave to appeal because it was not persuaded to review the issues. *See People v. Dennis*, 499 Mich. 871 (2016).

On July 13, 2018, Petitioner filed his habeas corpus petition (Dkt. #1) and an application to proceed without prepayment of the fees or costs for his case (Dkt. #2). He alleges one ground for relief: ineffective assistance of trial counsel. On July 18, 2018, the assigned magistrate judge

granted Petitioner's application to proceed without prepaying any fees or costs for this action (Dkt. # 4) and ordered the State to file a response to the petition by January 23, 2019 (Dkt. #5).

On September 4, 2018, Petitioner filed an application to hold his habeas petition in abeyance (Dkt. #7) and an application to proceed without prepaying any fees for his application to hold his petition in abeyance (Dkt. #8). On September 20, 2018, Petitioner filed a second application to hold his habeas petition in abeyance (Dkt. #9) and a second application to proceed without prepayment of any fees for his application to hold the habeas petition in abeyance (Dkt. #10).

In his applications for a stay, Petitioner alleges that he filed a motion for relief from judgment in the state trial court on March 9, 2017. The motion raised new claims about the trial judge and Petitioner's trial and appellate attorneys. Petitioner further alleges that the trial court denied his motion and that his appeal from the trial court's decision has been pending in the Michigan Supreme Court since June of this year. He seeks a stay of his federal case until the state courts conclude their review of his post-conviction motion.

A search of state-court records reveals that the Michigan Supreme Court denied leave to appeal on December 4, 2018, and closed its file on December 6, 2018. *See* https://courts.michigan.gov/opinions_orders/case_search/pages/default.aspx. Therefore, it appears to the Court that Petitioner has exhausted state remedies for all his claims and that a stay is no longer necessary. Accordingly, the Court denies Petitioner's applications to hold his habeas petition in abeyance (Dkt. #7 and #9). The Court denies as moot Petitioner's duplicate applications to proceed without prepaying any fees (Dkt. #8 and #10), because Petitioner was granted *in forma pauperis* status when he filed his habeas petition (Dkt. #4), and there is no fee for filing subsequent documents.

IT IS SO ORDERED.

Dated: December 17, 2018

s/ Sean F. Cox

Sean F. Cox

United States District Judge

I hereby certify that on December 17, 2018, the document above was served on counsel of record via electronic means and upon William Dennis via First Class Mail at the address below:

William E. Dennis

927594

MUSKEGON CORRECTIONAL FACILITY

2400 S. SHERIDAN

MUSKEGON, MI 49442

s/Jennifer McCoy

Case Manager